

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RAMADHANI, Minors.

UNPUBLISHED

January 28, 2014

No. 317063

Kent Circuit Court

Family Division

LC Nos. 11-053163-NA;

11-053164-NA

Before: METER, P.J., and JANSEN and WILDER, JJ.

PER CURIAM.

Respondent-father appeals as of right the trial court's order terminating his parental rights to the minor children, LR and QR, under MCL 712A.19b(3)(a)(ii) (parent deserted child for 91 or more days), (c)(i) (conditions of adjudication continue to exist), and (g) (failure to provide proper care and custody). We affirm.

"In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "We review the trial court's determination for clear error." *Id.* "A finding is 'clearly erroneous' if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

We first find that the trial court did not clearly err in finding that petitioner established, by clear and convincing evidence, a statutory ground for termination under MCL 712A.19b(3)(c)(i). Termination is proper under MCL 712A.19b(3)(c)(i) when the "parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order and the court, by clear and convincing evidence, finds... [t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." This Court has previously held that termination was proper under MCL 712A.19b(3)(c)(i) where "the totality of the evidence amply support[ed] that [the respondent] had not accomplished any meaningful change in the conditions" that led to adjudication. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009).

Here, the record establishes that "182 or more days" had "elapsed since the issuance of an initial dispositional order." See MCL 712A.19b(3)(c)(i). The conditions that led to adjudication were domestic violence and medical neglect of QR. Respondent and the children's mother had a

history of domestic violence. Respondent refused to attend services to address his history of domestic violence, and he failed to attend services related to anger management. During 19 months of proceedings, respondent was arrested for four assault-based charges. During the proceedings, respondent pled guilty to assault and battery. The children's mother was the victim of this crime. Respondent was also arrested for domestic violence against the children's mother the month before the termination hearing. With respect to medical neglect, QR and LR were extremely developmentally delayed when they came into foster care and required helmets to shape their heads, which were flat. QR was diagnosed with several serious medical problems. Respondent failed to attend medical appointments and therapy sessions for QR and LR. When respondent attended parenting time, he failed to interact with the children so as to further their development. He also failed to consent to a medical procedure that QR required to determine if he had hearing loss. At the time of the termination hearing, respondent had not seen the children in over nine months and did not understand their medical conditions or developmental needs.

"[T]he totality of the evidence amply supports" that respondent "had not accomplished any meaningful change in the conditions" that led to adjudication. *In re Williams*, 286 Mich App at 272. While respondent argues that he would have been able to rectify the conditions if given additional time, the record clearly establishes that there was no reasonable likelihood that the conditions that led to adjudication would "be rectified within a reasonable time considering the child's age." See MCL 712A.19b(3)(c)(i). Respondent had demonstrated no progress with respect to his anger management and remained unable to care for QR's medical needs at the time of termination. Moreover, the children had already been in foster care for 19 of their 27-month lives. The trial court's finding that termination was proper pursuant to MCL 712A.19b(3)(c)(i) does not leave us with a definite and firm conviction that a mistake has been made. *In re HRC*, 286 Mich App at 459.

Because we have concluded that at least one ground for termination existed, we need not consider the additional grounds upon which the trial court based its decision. *In re HRC*, 286 Mich App at 461. Nevertheless, we have reviewed those grounds and conclude that termination was appropriate under MCL 712A.19b(3)(a)(ii) and (g).

Respondent also argues that termination of his parental rights was not in the children's best interests. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). We review a trial court's finding that termination is in the child's best interests for clear error. *In re HRC*, 286 Mich App at 459. In *In re VanDalen*, 293 Mich App at 141, when reviewing best interests, this Court looked at evidence that the children were not safe with the parents, were thriving in foster care, and that the foster care home could provide stability and permanency. *In re Jones*, 286 Mich App 126, 129-130; 777 NW2d 728 (2009), this Court held that termination was in a less than five-month-old child's best interests where the child was removed from the mother's custody "shortly after birth," and the mother failed to establish a relationship with him during the proceedings.

Here, the children were removed from respondent's care when they were almost eight months old. When respondent attended parenting time, he failed to interact with them so as to further their development. LR cried during the visits and neither child sought attention or

comfort from respondent. At the time of termination, respondent had not seen the children for over nine months. Therefore, because of respondent's inconsistent contact with the children and his failure to interact with them, the record clearly establishes that the children were not bonded with respondent. *Id.* Further, while respondent argues that he should have been given more time, this Court has to look at the best interests of the children, including their need for stability. *In re Trejo Minors*, 462 Mich 341, 364; 612 NW2d 407 (2000). Here, the children were progressing in their foster care placement and their medical needs were being met. The children's maternal aunt had expressed an interest in adopting them. *In re VanDalen*, 293 Mich App at 141. Although respondent argues that this potential relative placement weighed against termination, the record establishes that the relative desired the permanency of adoption. Moreover, termination of respondent's parental rights would permit the children to be in the same adoptive home as their two half siblings. Based on a review of the record, the trial court correctly concluded that terminating respondent's parental rights was in the children's best interest and, thus, it did not clearly err. MCL 712A.19b(5); *In re HRC*, 286 Mich App at 459.

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Kurtis T. Wilder